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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,802	09/22/2005	Keiichiro Suzuki	09450/0203332-US0	3960

7278 7590 08/24/2007  
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New York, NY 10008-0770

EXAMINER
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MILLS, DANIEL J

ART UNIT	PAPER NUMBER
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3679

MAIL DATE	DELIVERY MODE
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08/24/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/550,802

Applicant(s)

SUZUKI ET AL.

Examiner

Daniel J. Mills

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DJM

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/22/2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/22/2005; 11/17/2005</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to because improper crosshatching is used. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the limitation "approximately pipe-formed" is unclear as it is unclear what it means to be "pipe-formed"; the limitation "dust cover inserted through said stud portion" is unclear as it can not be determined what is meant.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Gottschald (US 3,423,114).

Regarding claim 1, Gottschald discloses a ball joint comprising a housing (1) with an opening portion; a ball head portion rotatably housed in said housing; a ball stud comprising a stud portion provided in a protruding manner from said ball head portion, and protruding from said opening portion and a brim portion (the beveled portions of 5 meeting at the widest portion of 5) provided in a protruding manner on an outside surface of said stud portion; and an elastic approximately pipe-formed dust cover inserted through said stud portion (in as much as applicant's is), provided across an outside surface of said housing and an outside surface of said stud portion so as to

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block said opening portion, said dust cover comprising a first lip portion (8b) closely fitted in a manner urged toward a ball head portion-side end face of said brim portion and a second lip portion (8a) which is closely fitted in a manner urged toward an outside surface of said brim portion.

Regarding claim 2, Gottschald discloses a ball joint wherein said first lip portion is urged toward a ball head portion-side end face (surface of 5 closest to the ball portion) of said brim portion, and closely fitted to a part of said end face.

Regarding claim 3, Gottschald discloses a ball joint wherein said second lip portion is urged toward an outside surface of the brim portion and closely fitted to a part of said outside surface.

Regarding claim 4, Gottschald discloses a ball joint wherein said dust cover is provided with a pocket portion (11) between said first lip portion, said second lip portion, and said brim portion of said ball stud, retaining a lubricant member (column 2 lines 32-37) inside.

Regarding claim 5, Gottschald discloses a ball joint wherein said second lip portion is urged toward an outside surface of the brim portion, and closely fitted to a part of said outside surface.

Regarding claim 6, Gottschald discloses a ball joint wherein said dust cover is provided with a pocket portion between said first lip portion, said second lip portion and said brim portion of said ball stud, retaining a lubricant member inside.

Regarding claim 7, Gottschald discloses a ball joint wherein said dust cover is provided with a pocket portion between said first lip portion, said second lip portion and said brim portion of said ball stud, retaining a lubricant member inside.

Regarding claim 8, Gottschald discloses a ball joint wherein said dust cover is provided with a pocket portion between said first lip portion, said second lip portion and said brim portion of said ball stud, retaining a lubricant member inside.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jarrus (US 20020101042), Kuroda (US 20020146277 and US 7,134,801), Kubo (US 4,650,362), Arima et al. (US 5,006,376), Showalter et al. (US 5,855,448), Martin et al. (US 6,234,488) are cited for pertaining to ball joints.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Mills whose telephone number is 571-272-8115. The examiner can normally be reached on M-F 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DJM

DJM  
8/19/2007

*Daniel P. Stodola*

DANIEL P. STODOLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600